REMARKS

In an Office Action dated May 1, 2008, the Examiner re-opened prosecution following appeal herein; and rejected claims 1, 3-5, 9, 10, and 13-29 under 35 U.S.C. 103(a) as unpatentable over Catanoso. (US 6,892,388 B1).

While applicant believes it is unnecessary, applicant has amended independent claims 1, 16, 24 and 25 to clarify the claims in an attempt to further prosecution herein. Specifically, claims 1, 16 and 25 are amended to recite a set of event site customers attending the event, the subset occupying each "location" being fewer than all of the set. Additional minor clarifications were made. As amended the claims are patentable over the cited art.

In the office action, the Examiner rejected the claims as obvious over *Catanoso*. *Catanoso* has been addressed in considerable detail in response to the previous office actions herein, and in applicant's appeal brief filed herein. Although the latest rejection is for obviousness and the previous rejection was for anticipation, the Examiner's reasoning and application of the art to the claims is similar. Applicant's remarks made in the previous filings are still germane, and are incorporated herein by reference, without necessarily repeating verbatim everything said therein.

As explained previously, applicant's invention relates to the provision of souvenir images, and particularly souvenir images within a large venue, such as an athletic event or a concert. In such an event, a customer attending the event typically has an associated location. Such a location may be a pre-assigned seat which is printed on the ticket, or it may simply be a seat which the customer chooses and occupies, or some other location which is relatively fixed to the customer during the event. Applicant proposes to capture multiple images of the event locations and store these images. It is possible to automatically access the image associated with any

particular customer by providing input specifying the location occupied by the customer during the event. In one particular embodiment, this is done using an automated, self-service kiosk, in which the customer inputs an assigned seat location and the system retrieves the corresponding image or images.

Catanoso describes a system in which multiple video cameras are under the control of a central computer system or network, which may use sensors for control or may use manual input. Video and audio input are captured from the multiple cameras and stored in the system. Playback and editing functions are provided. Various potential applications for the system are described, among which are use to capture souvenir images of individuals at amusement park rides. In this application, all individuals riding a particular amusement park ride are photographed during the ride, without previously asking whether the individual wants a souvenir video. At the conclusion of the ride, the video is displayed or available for display near the exit point, and the individual has the opportunity to purchase a souvenir copy. This is a well-known application which is also disclosed in the background section of applicant's specification.

Catanoso does indeed disclose the general concept of souvenir images and the common practice of capturing images from all or substantially all customers before offering the customer the opportunity to purchase. However, *Catanoso* does not disclose specific improved features claimed by applicant, and in particular does not disclose the use of a ***location*** which is correlated with the images and which is associated with the customer, and is used to automatically retrieve and display images to the customer. Applicant's representative claim 1, as amended, recites:

1. A method of providing souvenir images to event site customers, comprising:
    capturing motion video data during an event, said event being attended by a set of event site customers;
    automatically generating a *plurality of images of different event site locations of a plurality of event site locations* within an event site from said motion video, wherein each image of said plurality of images is associated with a respective one of said event site locations, *wherein each said event site location is occupied during said event by a respective discrete subset of said set of event site customers, each said subset containing at least one and fewer than all respective event site customers of said set of event site customers, each said event site customer occupying only a single respective event site location of said different event site locations during said event*;
    receiving, in an automated interactive device, an input from a customer specifying a desired event site location from among said plurality of event site locations, said receiving step being performed after said step of capturing motion video data;
    responsive to said step of receiving a user input, automatically displaying to the customer in said automated interactive device at least one image associated with the desired event site location; and
    responsive to receiving in said automated interactive device a customer confirmation, automatically providing the at least one image to the customer   [emphasis added]

Claims 16 and 25, while not identical in scope, contain analogous recitations to the italicized above. Claim 24 contains somewhat different, generally narrower, limitations.

While many distinctions exist between *Catanoso* and applicant's claimed invention, they generally involve one or several terms: "event", "location" and "specify" or "input".

It is first necessary to consider what is an "event". An "event" could be applied broadly, but however applied, *its usage must be consistent, and the other terms must be consistent with it.* In particular, a "customer" is explicitly limited to a customer of the event, and a "location" is explicitly a location of the event venue.

The claims specify that there are multiple "event site locations". However the examiner chooses to apply "event", there must be multiple "event site locations".

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The claim further specify that there are multiple different subsets of event site customers, each occupying a respective location. Again, however the examiner chooses to apply "event", there must be multiple different subsets of event site customers, each occupying a respective location.

The examiner blurs these distinctions by changing the meaning of "event" when reading different elements of the claim. This is an erroneous methodology. Whatever "event" means, it must mean the same thing in one claim limitation as in the next.

If the "event" is a particular amusement park ride as in *Catanoso*, then there are not multiple locations and multiple different subsets of customers. The customers are all the customers who are on the ride, and the location is the ride. All customers are associated with that particular location (the ride).

If the "event" is the amusement park itself, then indeed there are multiple locations, but the limitation that each customer occupy a single location during the event is not met. Customers have no associated location, and are free to move about the "event" at will.

The examiner simply can't have it both ways. If the examiner persists in this rejection, applicant respectfully requests the examiner to ***definitively state, once and for all***, whether the "event" is a particular ride at an amusement park, or the amusement park itself. Applicant is entitled to ask the examiner to state the grounds of rejection.

However the examiner chooses to apply the term "event", applicant respectfully requests that all limitations be applied consistently. If the examiner chooses to read the "event" as a particular amusement park ride, applicant respectfully requests the examiner to point out with particularity how there are multiple locations and multiple subsets of customers for a particular

ride. If the examiner chooses to read "event" as the day at the amusement park, applicant respectfully requests the examiner to point out with particularity how the limitation that a customer occupies a single location of the multiple locations during the event is satisfied by Catanoso.

Finally, the examiner's statement that the limitation of inputting a desired location is met because the customer is inherently at a particular location when the desired images are sold is pure sophistry. The claim plainly requires "input" "specifying" a location. In the context of the data processing arts, "input" is universally understood to mean that some information is conveyed to the computer. You don't input something by virtue of the fact that you occupy a particular location in space at a particular time. To hold otherwise would be to completely read this limitation out of the claim, for everybody inherently occupies a particular location in space at any one time.

In accordance with applicant's invention, images are automatically associated with locations in a venue having multiple (preferably a very large number) of locations. Such association makes it possible to automatically retrieve images responsive to customer input of the location. This automated nature of the process makes it practical to offer such images in a stadium-type venue or equivalent. The photo at the ride of the amusement park is still a largely manual operation (despite *Catanoso*'s disclosure that you can store and retrieve digital images on a computer). In the context of the amusement park ride, where the image is sold as the customer leaves, there is simply no rationale or motivation shown to ask for location input. There is only one location at the ride, and the images are offered at that location to improve sales. Contrary to suggesting applicant's approach, Catanoso teaches away from it.

For all of the above reasons, and for the reasons stated in response to previous office actions herein, there are fundamental differences between *Catanoso*'s system and that claimed by

applicant, which can not be bridged by any suggestion, motivation, or other rationale shown in *Catanoso* or articulated by the examiner, and the claims are not obvious over *Catanoso*.

Finally, with respect to claim 24, in addition to the remarks above, applicant notes that claim 24 recites with even greater particularity that images are correlated to assigned seat locations, that customers scan their ticket to input the assigned seat location, and other limitations of an automated kiosk process. Although scanners and printers are well known, it is the process, the use of these devices, which is claimed. *Catanoso* simply does not teach, suggest, or in any way render obvious such a use.

In view of the foregoing, applicant submits that the claims are now in condition for allowance, and respectfully requests reconsideration and allowance of all claims. In addition, the Examiner is encouraged to contact applicant's attorney by telephone if there are outstanding issues left to be resolved to place this case in condition for allowance.

Respectfully submitted,

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